



Reply To: 8330.5003(99)
USFWS Log Number: 1-7-99-F-500
NMFS Log Number: OSB99-0154

November 22, 1999

David Boergers, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Biological Opinion on Proposed Issuance of Original Hydropower License for McKenzie Project (FERC No. 11512), Oregon

Dear Mr. Boergers:

Enclosed is a biological opinion prepared by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) (jointly, the Services) pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(ESA) on the proposed licensing by the Federal Energy Regulatory Commission (FERC) of the McKenzie Hydroelectric Project (FERC Project No. 11512). The project is owned by Mr. John Bigelow. The Services conclude in this opinion that the impact of the proposed licensing is not likely to jeopardize the continued existence of listed or proposed species, nor is it likely to adversely modify proposed or designated critical habitat. Species addressed in this opinion include Upper Willamette River chinook salmon (*Oncorhynchus tshawytscha*) and bull trout (*Salvelinus confluentus*), both of which are listed as threatened. Critical habitat has been proposed for Upper Willamette River chinook salmon in the project area.

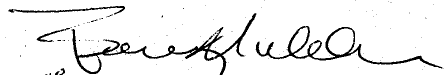
The opinion was prepared by the Services in response to a December 30, 1998, request to USFWS and June 8, 1999, request to NMFS for formal consultation regarding the potential effects of issuance of a hydroelectric license for this project on species or critical habitat listed or proposed for listing under the ESA. The Services requested

additional information about the project design, and upon receipt of all available details on the proposed project, formal consultation was initiated with NMFS on September 20, 1999, and with USFWS on September 28, 1999. This opinion constitutes formal consultation for Upper Willamette River chinook salmon and bull trout and a formal conference on proposed critical habitat for Upper Willamette River chinook salmon.

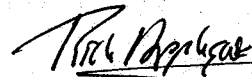
The Services believe that issuance of a license for the McKenzie Project will ultimately improve conditions for Upper Willamette River chinook salmon and bull trout through installation of a protective screening and bypass system. Nonetheless, the Services also believe that the construction of the screening and bypass system, its operation, and operation of the McKenzie project may result in incidental take of these species. Accordingly, the Services have provided a set of nondiscretionary "reasonable and prudent measures" in the accompanying opinion which they believe are necessary to minimize the likelihood of incidental take. Until FERC issues a license for the McKenzie project incorporating the reasonable and prudent measures of this Biological Opinion, the existing project has no authorization for take of listed species. For this reason, we urge FERC to expedite issuance of the McKenzie project license.

We appreciate the cooperation of your staff in completing this consultation. Please contact Cat Brown at USFWS (503.231.6179) or Lance Smith at NMFS (503.231.2307) if you have any questions about this consultation.

Sincerely,



State Supervisor (acting)
U.S. Fish and Wildlife Service
Oregon State Office



Rick Applegate
Assistant Administrator
for Habitat Conservation
National Marine Fisheries Service
Northwest Region

Enclosure

cc: Jeff Ziller, ODFW (Springfield)
Will Biedler, ODFW (Florence)
Stephanie Burchfield, ODFW (Portland)
Amy Unthank, Willamette NF, Supervisor's Office (Eugene)
Ray Rivera, Willamette NF, McKenzie Ranger District (McKenzie Bridge)
Tim Downey, Eugene Water and Electric Board (Eugene)
Bob Easton, FERC (Washington D.C.)